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9 (Agent for Komir, Inc.) and Komir, Inc.

10 UNITED STATES BANKRUPTCY COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 In re

Case No. 19-30088 (DM)

14 PG&E CORPORATION,

Chapter 11

15 - and -

(Lead Case) (Jointly Administered)

16 PACIFIC GAS AND ELECTRIC  
17 COMPANY,

18 Debtors.

19 G Affects PG&E Corporation  
20 G Affects Pacific Gas and Electric Company  
21 O Affects both Debtors

**DECLARATION OF LAWRENCE A.  
JACOBSON IN SUPPORT OF  
CLAIMANT'S OPPOSITION TO *EX  
PARTE* APPLICATION PURSUANT TO  
LOCAL BANKRUPTCY RULE 9006-1(C)  
FOR AN ORDER MODIFYING DATES  
AND DEADLINES REGARDING  
OBJECTION TO CLAIM OF AMIR  
SHAHMIRZA AND KOMIR, INC.**

**Summary Adjudication Hearing Date:**

**Date: December 19, 2023**

**Time: 10:00 a.m.**

**Place: (Tele/Videoconference Appearances  
Only)**

**United States Bankruptcy Court  
Courtroom 17, 16th Floor  
San Francisco, CA 94102**

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**DECLARATION OF LAWRENCE A. JACOBSON IN SUPPORT OF CLAIMANT'S OPPOSITION TO *EX PARTE* APPLICATION  
PURSUANT TO LOCAL BANKRUPTCY RULE 9006-1(C) FOR AN ORDER MODIFYING  
DATES AND DEADLINES REGARDING OBJECTION TO CLAIM OF AMIR SHAHMIRZA AND KOMIR, INC.**

1 I, Lawrence A. Jacobson, declare:

2 1. I am, and at all times relevant to the subject matter of this Declaration, have been  
3 counsel for the Claimant herein with respect to the Debtors' Objection to the claim filed by  
4 Claimant.

5 2. Claimant previously filed its Notice of Motion and Motion for Partial Summary  
6 Judgment of Issues in Reorganized Debtors Objection to Claim #2090 and Claimant's Response  
7 Thereto (Docket No. 13478).

8 3. In response to the 1<sup>st</sup> Motion for Partial Summary Judgment, Debtors filed their  
9 Counter-Motion pertaining to their claim of entitlement to prescriptive easement rights (Docket No.  
10 13567).

11 4. On June 12, 2023, the Court issued its Memorandum Decision on Motion for Partial  
12 Summary Judgment and Counter-Motion for Summary Judgment (Docket No. 13832).

13 5. On June 12, 2023, pursuant to the Memorandum Decision, the Court entered an Order  
14 Granting Motion for Partial Summary Judgment (Docket No. 13833) and Order Denying Counter-  
15 Motion for Partial Summary Judgment (Docket No. 13834) (jointly, the "1<sup>st</sup> MSJ Orders").

16 6. In the 1<sup>st</sup> MSJ Orders the Court set a Status Conference for July 11, 2023, for  
17 determination of scheduling of further activities in the matter.

18 7. On July 7, 2023, Claimant and Debtors filed their respective Status Conference  
19 Statements (Docket Nos. 13864 and 13861, respectively).

20 8. In its Status Conference Statement, Claimant proposed the following schedule:

21 August 4: Claimant to file the Motion  
22 September 5: Debtors to file a Response  
23 September 19: Claimant to file a Reply  
24 October 3: Hearing

25 with the following proposed discovery schedule:  
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September 15: Completion of written discovery  
October 15: Complete non-expert depositions  
November 10: Complete expert depositions  
December (TBD): Trial

9. In their Status Conference Statement, Debtors proposed the following schedule:

1. December 4, 2023: Complete written discovery  
2. February 1, 2024 Complete non-expert discovery  
3. April 5, 2024: Exchange expert reports  
4. May 24, 2024: Complete expert depositions  
5. June or July 2024: Trial

10. During the Status Conference on July 11, 2023, the Court discussed with counsel for the parties the competing schedules. Upon conclusion of the hearing, the Court set a further Status Conference hearing for July 26, 2023, and urged the parties to attempt to agree upon a scheduling order.

11. On July 12, 2023, counsel for PG&E sent the following email to counsel for Claimant:

"From: Steven A. Lamb <[slamb@rovenslamb.com](mailto:slamb@rovenslamb.com)>  
Sent: Wednesday, July 12, 2023 11:34 AM  
To: Lawrence A. Jacobson (<[laj@cohenandjacobson.com](mailto:laj@cohenandjacobson.com)> <[laj@cohenandjacobson.com](mailto:laj@cohenandjacobson.com)>  
Subject: Shahmirza

Mr. Jacobson:

Below are the differing schedule proposal dates per the last Status Conference. I look forward to hearing from you after you review this and hope we can come to a mutually agreeable schedule.

Event	Shahmirza Date	PG&E Date
File Motion for MSJ	8/4/23	9/5/23
Response	9/5/23	10/20/23
Reply	9/19/23	11/17/23
Hearing	10/3/23	First week in December 2023
Complete Written Discovery	9/15/23	10/06/23
Complete Percipient Deposition	10/15/23	10/15/23
Submit Expert		11/18/23

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1	Reports		
2	Complete Expert	11/10/23	December 2023
3	Depositions		
4	Trial	First week of December	2 <sup>nd</sup> or 3 <sup>rd</sup> week in January
5		2023	or February 2024

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12. On July 21, 2023, counsel for Claimant responded as follows:

“Steven

In order to move forward smoothly and cooperatively with the further summary judgment proceeding and discovery without disagreement regarding scheduling, my client agrees to the schedule you propose.

Please include in the Stipulation and Order a provision such as the following:

‘The schedule set forth herein is subject to adjustment by agreement between the parties with Court approval, or by order of the Court upon good cause shown.’

Thanks.

Larry”

13. Counsel for Debtors then prepared the Stipulation and the Order that were signed and filed specifying the current schedule as proposed by PG&E.

14. Claimant filed its 2<sup>nd</sup> Motion for Partial Summary Judgment (Docket No. 14007) on September 5, 2023.

15. On Tuesday, October 3, 2023 counsel for PG&E requested a telephone conversation to discuss unspecified subjects. Pursuant to that request, Claimant’s counsel participated in a call on the same day.

16. During the call, PG&E’s counsel made its request to alter the scheduling order for extensions and postponements for 60 to 90 days. No request for alteration of scheduling had been

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1 made prior to that phone call.

2 17. The reason expressed for the requested extensions and postponements related to  
3 scheduling a mediation prior to the hearing on the 2<sup>nd</sup> Summary Adjudication Motion.

4 18. During this call, and later conversations, Claimant's counsel offered the following  
5 accommodations:

- 6 • engage a mediator other than the original person suggested by PG&E, and accepted  
7 by Claimant without objection, as both parties expressed willingness to engage an  
alternate mediator;
- 8 • revise the briefing schedule to the extent appropriate to accommodate any mediation  
9 scheduling provided only that the hearing date not change;
- 10 • revise the schedule for briefing and taking the deposition of Mr. Shahmirza and  
11 shorten the period for Claimant's reply to PG&E's response from 28 days (October 20  
to November 17) as provided in the Scheduling Order to fourteen (14) days (October  
20 to November 3, 2023).

12 19. PG&E refused any adjustment that did not alter its date to file its Response and  
13 change the hearing date by 60 to 90 days.

14 20. Without further discussion regarding resolution, PG&E filed its Rescheduling  
15 Motion on the following Tuesday, October 10, 2023.

16 21. PG&E conducted the deposition of Amir Shahmirza on October 12, 2023.

17 I have personal knowledge of the facts set forth herein and can competently testify thereto.

18 Executed at Burlingame, California, on the 13<sup>th</sup> day of October, 2023.

19 I declare under penalty of perjury under the laws of the State of California that the foregoing  
20 is true and correct.

21   
22 Lawrence A. Jacobson  
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